

### **REMARKS**

This Amendment and Request for Continued Examination is responsive to the final office action mailed June 2, 2003. In this Amendment all previously pending claims 1, 3-13, 15, 21-24 and 26-37 are canceled. New claims 38-43 are added. No new matter is added by these amendments. Claims 38-43 are pending.

#### **Applicant Requests Opportunity for Interview with Examiner**

Before the issuance of a final office action in this case, Applicant requests the opportunity to discuss the invention in detail with the Examiner in a personal interview. In a telephone call on August 26, 2003, Applicant's undersigned representative, Kate DeVries Smith, discussed the prospect of a personal interview about this case with Examiner Chang. Examiner Chang stated that because amendments were being made to the claims with the Request for Continued Examination, the next office action would not be a final action. Examiner Chang suggested that a personal interview could take place after a first action is received from the United States Patent and Trademark Office, if any of the claims are rejected. The Examiner's willingness to interview the case before issuing a final rejection is appreciated. The Examiner is encouraged to contact Applicant's undersigned representative with any issues that would prevent allowance of the claims.

#### **Comments on the New Claims**

In the previous office action mailed June 2, 2003, the pending claims were rejected over U.S. Patent 5,351,426 (Voy) in view of U.S. Patent 5,700,536 (Steidinger). Applicant continues to traverse this rejection and assert that the previously pending claims are patentable over Voy in view of Steidinger. In order to advance prosecution of this case, Applicant has canceled the previously pending claims and submitted new claims. Applicant reserves the right to pursue the subject matter of the original claims, canceled claims or other claims directed to the adhesive construction in a continuation application.

New claims 38-43 relate to an adhesive construction including a flexible label substrate having an outer perimeter edge. Within the outer perimeter edge, three different fields are defined, having different concentrations of adhesive in each field. First, an outer perimeter adhesive field has a discontinuous pattern of spaced adhesive dots providing coverage of 30% to 70% of the area. Along the outer perimeter edge, there is no segment of extension greater than

5 mm. at which an adhesive dot is not present immediately adjacent the outer perimeter edge in the outer perimeter adhesive field. Second, an inner adhesive field is completely surrounded by the outer perimeter adhesive field and includes adhesive covering at least 90% of its area. Third, an adhesive-free region is defined within the inner adhesive field. The adhesive-free region is transparent and occupies at least 40% of the area defined by the outer perimeter edge. The outer perimeter adhesive field and inner adhesive field are applied in a single screen printing process. Claims 38-43 also recite additional details of the adhesive construction.

One example of a use for an adhesive construction as specified in claim 38 is as a transparent window over an opening in a package box. In this use, the transparent adhesive-free region is positioned directly over an opening in a box so that a consumer can see into that opening to view something, such as a promotional item, within the box. The inner adhesive field adheres to the box area surrounding the opening while the outer perimeter adhesive field secures the edges to the box.

There has been one major implementation of the adhesive construction described in claim 38 involving over 19 million consumer products. The adhesive construction was used to create a transparent window into a cardboard box to show a give-away promotional item - a toy. The transparent adhesive-free region of the adhesive construction allowed consumers and their children to view the toy within the box.

Before implementation of the project, there were concerns with possible problems associated with the adhesive construction. The cardboard boxes to which the adhesive constructions were applied come into close contact with each other during packaging, shipping, and other handling. The sides of these boxes continually rub up against each other, so there was concern that edges of the adhesive construction would catch against each other and stick to one another, causing the adhesive constructions to begin peeling off. This kind of peeling, sticking or interleaving of the adhesive constructions could have caused damage to the adhesive constructions and damage to the cardboard boxes. However, because of the positioning of the spaced adhesive dots within the outer perimeter adhesive region directly adjacent to the outer perimeter of the adhesive construction at distances from each other of not more than 5 mm, peeling problems did not occur. The edges of the adhesive constructions remained securely adhered to the boxes, despite rubbing against other adhesive constructions.

Another concern was that adhesive might ooze out from the edges of the adhesive constructions causing the cardboard boxes to stick to each other when they were in close contact during packaging, shipping and other handling. This problem did not materialize, however, because of the reduced amount of adhesive in the outer perimeter adhesive field. These spaced adhesive dots covered no more than 70% of the area of the outer perimeter adhesive field. As a result, there was no problem with oozing adhesive causing the boxes to stick to each other. The cardboard boxes were successfully handled during packaging, shipping, and display at retail stores.

Yet another concern prior to this major implementation was that children would lift an edge and peel off the adhesive construction to get to the give-away item in stores. However, because of the positioning of the adhesive dots immediately adjacent to the outer perimeter of the adhesive construction spaced so that there is no segment of the edge greater than 5 mm. without an adhesive dot, the edges of the adhesive construction were secured to the cardboard box strongly enough that there was not a problem with children peeling off or tampering with the adhesive construction.

This successful implementation of the invention of claim 38 on more than 19 million consumer products without the feared problems is due to the positioning of the adhesive dots in the outer perimeter adhesive field. By providing adhesive coverage of less than 70% and dots at distances of no more than 5 mm. along the outer perimeter, the outer perimeter of the adhesive construction is securely held against a surface without significant oozing of adhesive.

The prior art does not teach an outer perimeter adhesive field with the features described in claim 38. The office action mailed June 2, 2003 argued that the qualities of the claimed outer perimeter field were taught in the secondary adhesive pattern of U.S. Patent 5,700,536 to Steidinger. Figures 3-6 of Steidinger show different arrangements for this secondary adhesive pattern where dots or lines of adhesive are present. In Figures 3-5, the top and bottom edges of the perimeter do not have any of the adhesive lines immediately adjacent to the outer perimeter edge. In Figure 6, the dots of secondary adhesive are not immediately adjacent to any of the outer perimeter edges. Steidinger does not teach an outer perimeter edge having no segment of extension greater than 5 mm. at which an adhesive dot is not present in the outer perimeter field immediately adjacent the outer perimeter edge. Steidinger also does not teach that the secondary adhesive patten will have adhesive coverage of no more than 70% and at least about 30%. In

addition, many other features of the claims are not taught by Steidinger's secondary adhesive pattern.


Applicants respectfully submit that claims 38-43 are patentable and a Notice of Allowance to that effect is respectfully requested. The Examiner is encouraged to contact Applicant's undersigned representative with any questions or to raise any issues that would prevent allowance of this patent application.



Respectfully submitted,

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